

## **REMARKS**

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application.

### **I. Disposition of Claims**

Claims 1-19 are currently pending in the present application. By way of this reply, claim 1 has been amended.

### **II. Claim Amendments**

Claim 1 has been amended to more clearly recite the invention. In particular, claim 1 has been amended to recite that the electrostatic relay comprises, in part, “a cap substrate having a portion that crosses a line connecting the fixed contacts and the movable contact outside a gap between the fixed contacts and the movable contact, and wherein the cap substrate is arranged to enclose at least the fixed contacts and the movable contact by sealing the moveable substrate between a top surface of the stationary substrate and the cap substrate.” No new matter has been added by way of these amendments. Support for these amendments may be found, for example, in Figures 4, 5, and 7 and on page 25, line 11 – page 26, line 8 of the present application.

### **III. Objection(s) to the Drawings**

The drawings were objected to for not designating Figures 1-3 as “Prior Art.” By way of this reply, replacement drawings have been submitted in which Figures 1-3 are

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designated as "Prior Art." Accordingly, withdrawal of this objection to the drawings is respectfully requested.

Further, the drawings were objected to under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. Particularly, the Examiner believed the portion of claim 1 that recites the features of "a sealing portion formed on a third substrate is provided that constitutes a portion that crosses a line connecting the fixed contacts and the movable contact outside a gap between the fixed contacts and the movable contact, and seals at least the fixed contacts and the movable contact by bonding them to the stationary substrate or to the movable substrate" was not shown in the drawings.

Claim 1 has been amended to recite, "a cover substrate having a portion that crosses a line connecting the fixed contacts and the movable contact outside a gap between the fixed contacts and the movable contact, and wherein the cover substrate is arranged to enclose at least the fixed contacts and the movable contact by sealing the moveable substrate between a top surface of the stationary substrate and the cover substrate." To the extent that the § 1.83(a) objection may still apply to claim 1 as amended, the objection is respectfully traversed. All of the features of amended claim 1 are shown in the figures of the present application.

In the exemplary embodiments of the present invention shown in Figures 4, 5, and 7 of the present application, a cap substrate **50** has a portion that crosses a line connecting the fixed contacts **23A**, **24A** and the movable contact **46**. As shown in Figure 5, a portion of the cap substrate **50** crosses a line that connects the fixed contacts **23A**, **24A** and the movable contact **46**. The direction of the line connecting the fixed contacts **23A**, **24A**

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and the moveable contact **46** is shown in Figure 4 as the X-X line. Referring to Figure 5, a portion of the cap substrate **50** does have a portion that crosses this line. Further, as shown in Figure 5, the cap substrate **50** is arranged to enclose at least the fixed contacts **23A**, **23B** and the moveable contact **46** by sealing the moveable substrate **40** between a top surface of the stationary substrate **20** and the cap substrate **50**.

Thus, all of the features of claim 1, as amended, are shown in the drawings. Accordingly, withdrawal of the § 1.83(a) objection to the drawings is respectfully requested.

#### **IV. Rejection(s) Under 35 U.S.C § 112**

Claims 1-19 of the present application were rejected under 35 U.S.C. § 112, first paragraph, as failing enable one skilled in the art to make and/or use the invention.

As noted above, claim 1 has been amended. To the extent that the § 112, first paragraph rejection still applies, this rejection is respectfully traversed. As discussed above in the “Objection(s) to the Drawings” section, at least Figures 4, 5, and 7 of the present application enable one skilled in the art to make and/or use a cap substrate **50** having a portion that crosses a line (*e.g.*, X-X line in Figure 4) connecting the fixed contacts **23A**, **24A** and the moveable contact **46** outside a gap (*see* Figure 5) between the fixed contacts **23A**, **24A** and the moveable contact **46**, where the cover substrate **50** is arranged to enclose (*see* Figure 5) at least the fixed contacts **23A**, **24A** and the moveable contact **46** by sealing the moveable substrate **40** between a top surface of the stationary substrate **20** and the cap substrate **50**. Further, the associated description of the present invention enables one skilled in the art to make and/or use the above-discussed features

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of amended claim 1 by describing a configuration of the cap substrate **50** as implemented in the electrostatic relay of the present invention. *See, e.g.*, Specification, page 25, line 11 – page 26, line 8.

Thus, the description of the present invention and drawings of the present application enable one skilled in the art to make and/or use the claimed invention. Accordingly, withdrawal of the § 112, first paragraph rejection is respectfully requested.

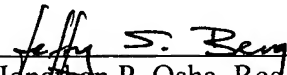
## V. Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15250.002001).

Respectfully submitted,

Date: 12/22/03

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